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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/819,871

03/28/2001

Bipin Mukherji

1054

7590

06/14/2004

Matthew F. Jodziewicz, Esq.
Suite 836
3660 Wilshire Boulevard
Los Angeles, CA 90010

EXAMINER

NGUYEN, TU T

ART UNIT

PAPER NUMBER

2877

DATE MAILED: 06/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/819,871

Applicant(s)

MUKHERJI, BIPIN

Examiner

Tu T. Nguyen

Art Unit

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 is/are allowed.
- 6) ☒ Claim(s) 2-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Castore et al (5,712,706) in view of Matsumoto et al (2001/0005204).

With respect to claims 2, 10, 18, Castore discloses a video inspection system. The system comprises: a moveable carriage 120, 122 (fig 3) for supporting a sample 110 (fig 3), a horizontally movable 160 (fig 3) detecting system 100 (fig 3), a base 140 (fig 3).

Castore does not explicitly disclose a video monitor and a display. Since Castore discloses analyzing the digital images (abstract) and using video for capturing the image and displaying the image on the screen would have been known in the art as disclosed in columns 1-2), it would have been obvious to modify Castore with the known video and the known display to facilitate the inspection.

Castore does not explicitly disclose the carriage which can be moved vertically. However, Castore discloses adding additional motion stage for providing additional degree of movement (column 5, lines 25-35) and discloses moving the test object in a path that is depended on its geometry (column 10, lines 55-60). It would have been

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obvious to modify Castore's system with a known vertical movable stage to inspect different object shape.

Castore does not disclose a camera based on a coordinate measuring system. Matsumoto discloses a camera based on a coordinate measuring system (paragraph [0387]). It would have been obvious to modify Castore with Matsumoto's camera system to detect the position of the object more accurately.

With respect to claims 3, 11, since Matsumoto discloses a camera based on a coordinate measuring system (paragraph [0387]), Matsumoto would inherently disclose measuring the position of the video.

With respect to claims 4-7, 12-15, 19-20, Castore does not disclose a feed, a lock, a carriage feed, a carriage lock mechanisms. However, the claimed limitations would have been known. It would have been obvious to modify Castore's system with the known claimed limitations to make the system more accurate.

With respect to claims 8-9, 16-17, Castore discloses a laser source 550 (fig 5a). Further, the skilled artisan would have been motivated to modify Castore's system with a plurality of lights to illuminate the object with different angles.

Allowable Subject Matter

Claim 1 is allowed.

The following is a statement of reasons for the indication of allowable subject matter: Prior arts of record do not disclose a carriage feed mechanism, a carriage lock mechanism, a feed mechanism, first and second light sources, a video based, a column which structurally arranged and functionally operated as claimed in claim 1.

Response to Arguments

Applicant's arguments filed 02/02/2004 have been fully considered but they are not persuasive.

Applicant argues the following:

- 1) No suggestion or disclosure of allowing vertical movement of the workpiece.
- 2) Using hindsight to reconstruct the claimed invention.

In response to applicant's first argument, Castore clearly suggests adding additional motion stage for providing additional degree of movement (column 5, lines 25-35) depending on the geometry of the test object (column 10, lines 55-60). It would have been obvious that Castore's system could be modified to move the test object in any desired directions (including a vertical direction) depending on the shape of the test object. The example of movement in the horizontal direction in column 10, lines 56-58 is

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only one specific example of movement in different directions to achieve a desired result.

In response to applicant's second argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu T. Nguyen whose telephone number is (571) 272-2424. The examiner can normally be reached on T-F 7:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G Font can be reached on (571) 272-2415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'T. Nguyen', with a long, sweeping horizontal line extending to the right.

Tu T. Nguyen
Primary Examiner
Art Unit 2877

06/13/2004